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REMARKS/ARGUMENTS

This Reply is in response to the Office Action mailed on November 17, 2005. Claims 1-30 remain in this application. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

The drawings stand objected to because they are generally of poor quality. Attached to this Reply are three (3) Replacement Sheets of better quality drawings without any substantive changes to the drawings. The acceptance of these Replacement Sheets is respectfully requested.

Claims 1-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,883,113 to Kolb (hereinafter referred to as "Kolb") in view of U.S. Patent No. 5,342,025 to Hwang (hereinafter referred to as "Hwang"). The Examiner maintains that Kolb discloses a valve substantially as claimed, including having a spherical chamber 48 and a recessed channel 52. The Examiner admits that Kolb does not teach or suggest the use of any magnetic material. The Examiner is relying on Hwang for the teaching of moving a valve member by use of a magnetic force. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to provide Kolb's ball valve with a magnetic housing and a magnetic valve member to provide selectable fluid control through the valve with minimal leaks based on the teachings of Huang.

This rejection is respectfully, but vigorously, traversed. For example, the Examiner states that Kolb's valve chamber 48 is "generally spherical". Applicant's review of Figures 1 and 2 of Kolb, fail to reveal a housing having a spherical inner surface as required by claim 1. If the Examiner is going to maintain this rejection, she is respectfully asked to point out what part of Kolb's valve chamber 48 is generally spherical.

Also, claim 1 recites that the spherical ball has a recess extending about the circumference of the ball. Kolb's recess 52 is only in the upper portion of the valve ball member 50 so as to receive a valve stem 54. Valve stem 54 is used to rotate the valve ball member 50 between an open and closed position. However, the Examiner has admitted that Kolb's ball does not include a ferromagnetic weight. Thus, the Examiner suggests to change Kolb's valve opening and closing mechanism from the recess and valve stem arrangement to the use of a magnetic housing and a magnetic valve member. Of course, such a substitution would eliminate the need for a recess in Kolb's valve ball member, thereby rendering the Examiner's rejection short of the claimed subject matter. In addition, Hwang's magnetic valve member is plate shaped. Thus, the proposed combined Kolb/Hwang device would have a plate shaped valve member, not a spherical ball as required by claim 1.

In addition, this proposed combination would not result in placing a ferromagnetic weight disposed off center within the spherical ball, as also required by claim 1.

Claim 2 recites that a first magnetic band surrounds the housing, with a plane of symmetry that is approximately normal to a line extending between the inlet port and the outlet port. In addition, a second magnetic band is disposed about the outlet port, with a plane of

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symmetry that is approximately normal to a line extending between the inlet port and the outlet port. To reject claim 2, the Examiner concludes that rearranging, duplicating, and changing shape of parts involves only routine skill in the art. Once again, Applicant respectfully, but vigorously, traverse this rejection. Hwang does not include the use of a second magnetic band. The modification of the proposed Kolb valve with the Hwang magnetic housing and magnetic valve member would not result in the use of a second magnetic band, and especially not one disposed about the outlet port, with a plane of symmetry that is approximately normal to a line extending between the inlet port and the outlet port, as required by claim 2.

For at least these reasons, the rejection of claims 1-14 should be withdrawn.

Claims 15-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,883,113 to Kolb (hereinafter referred to as "Kolb") in view of U.S. Patent No. 5,342,025 to Hwang (hereinafter referred to as "Hwang") and further in view of U.S. Patent No. 4,615,691 to Hakim.

Hakim fails to teach or suggest the deficiencies noted in Kolb and Hwang above. Thus, Claims 15-30 are allowable for the same reasons that claims 1-14 are allowable.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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